

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LEONARD MCKENZIE  
also known as  
Muhsin Muhammad

Plaintiff,

-v.-

Civil Action No.  
9:01-cv-1496 (GLS/GJD)

SGT. MARTENS

Defendants.

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APPEARANCES:

LEONARD MCKENZIE  
also known as  
Muhsin Muhammad  
Plaintiff Pro Se  
00-A-2980  
Five Points Correctional Facility  
State Route 96, P.O. Box 119  
Romulus, New York 14541

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615 Erie Boulevard West  
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SENATA B. SIUDA, ESQ.  
Assistant Attorney  
General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge Gustave J. DiBianco duly filed August  
25, 2005. Following ten days from the service thereof, the Clerk has sent the

file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

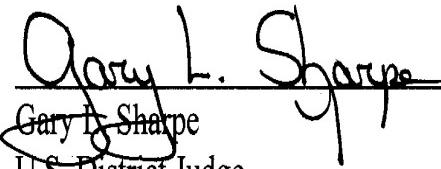
**ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed August 25, 2005 is ACCEPTED in its entirety for the reasons stated, and it is further**

**ORDERED, that defendant Marten's motion for summary judgment (Docket No. 70) is GRANTED, and the amended complaint is DISMISSED IN ITS ENTIRETY; and it is further**

**ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.**

**IT IS SO ORDERED**

Dated: September 23, 2005  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge